

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of July 29, 2008

Members Present: Priscilla Remington, Curt Castner, Gary Frenz, Dan Smith, Marion Luce

Others Present: Counsel to Boards Mike Hill, Town Board Member Bob Olson, Zoning Administrator Gary McMeekin, Planning Board Members, Jim Remington and Georgia McMeekin

Guests Present: Erin & Mike Hayes, Bernie Hill, Frank Dagostino, Myron and Pat Butler, Gail Frenz, Jeff and Sally Clark, Herta Leidy, Judy Bertonneau, Martin Meade, Tim Squadere, Lyn and Jim, Bob Ostrnader, G Bertoneau, Linda Pfeiffer, Joe Millington, Jerry Byrne, Larry and Jean Southworth, Michael Raymond, Harry and Mauren Robinson, Red and Donna Schaap, Tom and Ruth Ryan, Tom Johanson, Jim Hayes, Nancy Harrison and others.

Chairperson Priscilla Remington announced that Gail Sirrine has resigned from the board due to family commitments, the Town Board has appointed Marion Luce to fill the vacancy by Gail Sirrine's resignation.

Chairperson Priscilla Remington announced that the applicants for public hearings for **File # 2008-14 Altieri and Probst** and **File # 2008-19 Brant Lake Heights HOA** have requested the applications be tabled, suggesting that if anyone was present and feels they must address the board, they will have an opportunity at the end of the regular meeting. Discussion ensued with Erin Hayes, representing File #2008-14 Altieri and Probst regarding the readiness of the applicant to continue at the August 26th meeting. Erin Hayes stated that the applicant should be ready to proceed in August. Discussion ensued with Bob Olson File # 2008-19 AV regarding the date they will be prepared to continue. Bob Olson stated that they are trying to locate a survey of the parcel and unsure when they will be ready. After a brief discussion regarding a notice of public hearing, Gary Frenz made a motion that the board republish a notice of public hearing for File # 2008-19 AV in the local newspaper when the applicant has informed the Zoning and Planning Office that they are ready to continue, 2nd by Marion Luce. All Ayes.

PUBLIC HEARINGS:

File # 2008-17 AV Tax Map 36.3-3-8 Watson (Larschan) Linda seeking a 50' shoreline setback variance to extend fence for containment and safety of pets and to prevent trespassing and vandalism located at 215 East Shore Dr. Linda Watson stated that she would like to extend the fence to keep her three (3) dogs safe and for privacy, she has tried to plant trees and shrubs and submitted photos to the board. Priscilla Remington asked if anyone in the audience had any comments. John Watson stated that he has a partial objection to the project. Audience member from 214 East Shore Dr stated that he/she objects to the 6' stockade fence. Warren County Planning Board recommendation No County Impact. Being no further comments or questions, Dan Smith made a motion to close the public hearing, 2nd by Gary Frenz. All Ayes.

File #2008-18 AV Tax Map 39.9-1-27 Stuart Mead (Frank Dagostino) seeking an area variance to add a second bedroom, small porch and unattached deck to travel trailer located at 7 Constitution Ave. The applicant submitted an Authorization form to the board. Priscilla Remington asked if there were any comments or questions. Being no comments or questions, Gary Frenz made a motion to close the public hearing, 2nd by Dan Smith. All Ayes.

File #2008-20 AV Tax Map 71.12-1-29 Pine Tree Properties LLC seeking a area variance for density to construct a multi-family townhouse unit on existing footprint located at 233 Palisades Rd. Warren County Planning Board recommendations No County Impact with stipulation that information regarding site plan showing lot layout including parking arrangements, signage, lighting or access to site. Town Planning Board recommended approval by majority vote. Erin Hayes presented proposal addressing the concerns regarding size of new structure, lighting, parking, access to parking area, signs, vegetation buffer, dock slips, height of the structure, storm water runoff, Homeowners Association issues. submitting letters in support of project. Discussion ensued with Gary McMeekin regarding the proposed size of the structure and the use of the “existing footprint”. Gary McMeekin stated that you can not alter, enlarge or extend the existing footprint. Erin Hayes then stated that she may amend the presentation to include the existing footprint and request the architect to change the plans to reflect the exact footprint of Briarcliff. Several members of the audience spoke in favor and against this project. Priscilla Remington questioned the applicant regarding a septic system and the well. Erin Hayes stated that they are proposing the NORWECO system as there were three (3) septic on the parcel and are unsure as to the placement of the well at this point. Discussions ensued at which Dan Smith made a motion to close the public hearing, 2nd by Gary Frenz. All Ayes. Mike Hill explained the procedure regarding the 62 day time limit. Gary Frenz made a motion to table the decision and request Counsel to draft both approval and denial decisions, 2nd by Marion Luce. All Ayes.

The Regular meeting of the ZBA was called to order by Chair Priscilla Remington.

UNFINISHED BUSINESS:

File # 2008-17 AV Tax Map 36.3-3-8 Watson (Larschan) Linda seeking a 50' shoreline setback variance to extend fence for containment and safety of pets and to prevent trespassing and vandalism located at 215 East Shore Dr. ZBA Member Dan Smith stated that there seems to be an undesirable change to the character of the neighborhood and a detriment to nearby properties and the variance is substantial suggesting that the fence be limited to an open fence. Gary Frenz stated that a 4' high fence would contain dog(s). Discussion ensued regarding the type of fence the applicant is requesting and the board setting conditions on an approval. The applicant stated that the large dogs could jump over a 4' high fence, shrubbery can not contain dogs, there has been vandalism, privacy issues with the chain link fence and would like application to stand as submitted. After further discussion Dan Smith made a motion to approve the 50' shoreline setback variance for a 6' fence there will be no undesirable change to the character of the neighborhood or detriment to nearby properties, the benefits sought be applicant cannot be achieved by other means, this is a substantial request, there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self created. Note: Type 2 SEQRA - no review required with the condition that the fence be chain link.

File #2008-18 AV Tax Map 39.9-1-27 Stuart Mead (Frank Dagostino) seeking an area variance to add a second bedroom, small porch and unattached deck to travel trailer located at 7 Constitution Ave. Dan Smith stated that he feels this fits into the character of the neighborhood as most of the travel trailers in this development have additions built. Gary Frenz then made a motion to approve the additions to travel trailer as there will be no undesirable change to the character of the neighborhood as all of the travel trailers have had additions built riment to nearby properties, the benefits sought be applicant cannot be achieved by other means, this is a substantial request, there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self created, 2nd by Curt Castner. All Ayes.

NEW BUSINESS:

File # 2008-22 AV Tax Map 19.4-2-4 Pfeiffer seeking a 50' shoreline setback and a 38' roadway setback variance to construct a deck on parcel located at 612 East Shore Dr. Priscilla Remington stated that there are no structures on the lake side and the deck will go to the water. Gary Frenz made a motion to deem the application complete, refer this to the Warren County Planning Board and schedule a public hearing requesting the applicant submit a site plan, 2nd by Marion Luce. All Ayes.

Public Hearings (Con't):

File # 2008-14 AV Tax Map 55.17-2-21 Altieri and Probst seeking a 52' shoreline setback a 46' roadway setback and a 5' side yard setback variance to build a small cottage on existing footprint of two (2) car garage, Parcel is located on Palisades Rd. Erin Hayes, representing the applicant submitted a request that the public hearing be tabled pending further information from the APA. Priscilla Remington asked if anyone had any comments or questions. Being no comments or questions, Priscilla Remington made a motion to table the public hearing until August 26th, 2nd by Marion Luce. All Ayes

File # 2008-19 AV Tax Map 72.13-2-48 Brant Lake Heights HOA (Olson Development Inc) seeking shoreline setback, dock surface area side yard setback, dock configuration and dock length variance to add ten (10) additional docks to parcel located on State Rte 8. Priscilla Remington asked if anyone had any comments or questions. Being no comments or questions, Priscilla Remington made a motion to table the public hearing pending notification by the applicant, 2nd by Dan Smith. All Ayes

Board Privilege:

There being no further business before the board, Chair, Priscilla Remington adjourned the meeting at 10:17 PM

Respectfully Submitted.
Christine Smith-Hayes, Secretary